



Q&A

Who is eligible to register to vote?

In order to be eligible to register and vote in Florida, a person must be:

- A citizen of the United States of America. (A lawful permanent resident is not a U.S. citizen.)
- A Florida resident and resident of the county in which he or she resides.
- 18 years old (a 16-year-old may pre-register to vote, but cannot vote until becomes 18 years old).
- Not now adjudicated mentally incapacitated with respect to voting in Florida or any other state without having the right to vote restored.
- Not have been convicted of a felony without civil rights having been restored.

What records will be compared to create the initial ongoing list of potential ineligible registered non-U.S. citizens?

Existing voter registration records in the Florida Voter Registration System (FVRS) will be compared with the driver's license records in the Florida Department of Highway Safety and Motor Vehicles (DHSMV) Driver and Vehicle Information Database (DAVID) to generate an automated match of potentially ineligible registered voters. The Department of State will not use or rely upon any matches created in the past.

What will those initial potential matches contain?

If a match is found between the two records, the return match will contain a flag as to who is potentially a U.S. citizen and who is potentially a non-U.S. citizen (immigrant or non-immigrant) and whether an alien registration number is available for the non-U.S. citizen.

Is the identification process being directed at any particular group of registered voters on the basis of ethnic and racial grounds?

Florida will be checking the legal status of all registered voters. Additionally, Florida is simply performing its continuous duty under state and federal law to ensure the voter rolls are accurate which duty is a key part of administering elections effectively and fairly. The process is not directed at any group of registered voters. Only eligible voters should be registered. This activity is not distinct from the other routine list-maintenance activities that the Department of State and the Supervisor of Elections conduct year-round even during election cycles whenever it receives or has access to information that a registered voter may be potentially ineligible.

Will the Department of State remove those registered voters automatically?

The Department of State has no authority to remove voters from the rolls. Only the Supervisor of Elections can determine whether a voter is ineligible and remove the voter from the rolls based on the information provided from the Department or obtained from other sources. The Department must first manually evaluate each potential match to determine whether credible and reliable information indicates whether the identified registered voter is a potential non-U.S. citizen and prepare an individualized case file.

What is SAVE and how will the Supervisors of Elections use SAVE to verify non-U.S. citizen status?

SAVE is a federal database called the Systematic Alien Verification for Entitlements (SAVE) Program. It is an electronic, fee-based system operated by the United States Citizens and Immigration Services for the Department of Homeland Security (DHS) to verify a person's immigration status for government benefits, licensing, and other lawful purposes. An alien registration number for the potential non-U.S. citizen is required to conduct these searches. The Department of State first received access to SAVE in August 2012. SAVE is an integral part of the manual review process to verify whether a potentially ineligible registered voter is a non-U.S. citizen. If an alien registration number is available, an individualized search will be conducted for each potential match.

Will the Supervisors of Elections have access to SAVE?

Yes. The Supervisors of Elections will get access to SAVE through authority granted to the Department of State by way of an interagency agreement with the Department of Homeland Security executed in August 2012. In order to receive access, each Supervisor of Elections will enter into an interagency agreement with the Department of State to ensure that the conditions and terms for access, use, and cost under the primary agreement with the Department of Homeland Security are followed.

What will a case file contain?

Once the Department of State initially screens a registered voter as potentially ineligible person, an electronic case file will contain supporting information and documents compiled from the databases for the Florida Voter Registration System (FVRS), the Driver and Vehicle Information Database (DAVID) program, and the Systematic Alien Verification for Entitlements (SAVE) program. The Department of State will then electronically transfer the case to the Supervisor of Elections in the county where the voter is registered.

Will the Supervisor of Elections automatically remove the registered voter?

No. Before any registered voter can be removed from the rolls, the Supervisor of Elections must follow strict due process procedures set out in law. The notice and removal procedures are found in section 98.075(7), F.S., and apply in the same way that they are applied for other categories of registered voters who are identified as potentially ineligible for other reasons such as felony conviction and adjudication of mental incapacity. The voter must receive notice and must have the opportunity to respond before any final determination is made about potential ineligibility and removal.

How will a potentially ineligible registered voter be notified?

A Supervisor of Election must provide actual notice to the voter within 7 days of receiving credible and reliable information about a potentially ineligible registered voter from the Department of State. If a notice is undeliverable, the Supervisor must publish a notice in a newspaper of general circulation in the county. The law requires very specific statements about the registered voter's rights, responsibilities, and the process.

How many days does a registered voter have to respond to a notice?

The potentially ineligible voter has 30 days from the notice to respond and deny or admit that he or she is ineligible. If requested, a voter who denies ineligibility has a right to a hearing.

At what point does an ineligible person get removed from the rolls?

A registered voter can only be removed after the due process has been followed in the notice and removal process under section 98.075(7), F.S., and the Supervisor of Elections has determined based on the information available that the registered voter is ineligible and should be removed officially from the rolls.

May the ineligible person appeal the decision concerning his or her removal from the rolls?

A voter may appeal the Supervisor of Elections' decision to remove the voter from the rolls to the circuit court where the person was registered.

What can a registered voter do if he or she has been misidentified as potentially ineligible?

A registered voter who has been identified as potentially ineligible has the right to respond and present evidence to show that a mistake has been made or why he or she is not ineligible. Additionally, he or she has the right to request a hearing. The important thing is for the registered voter to respond timely to the notice from the Supervisor of Elections. The Supervisor of Elections will work with the registered voter to give him or her time to obtain the necessary documentary proof.

What happens if a voter is removed erroneously or illegally from the rolls?

An erroneously removed voter must be restored to the rolls automatically at any time including after registration deadlines and up to and including Election Day. The voter may show proof to the Supervisor of Elections or obtain a court order upon appeal to circuit court.



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